conferences at The Hague. The jurists believed that it is necessary to restate the established rules of international law; to formulate and agree upon amendments and additions, if any, to the rules of international law; to endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore; to consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted. Every American acquainted with the history of his country during the last twenty-five years will recognize that this recommendation is in perfect consonance with American international endeavor, not only during the quarter of a century just passed, but throughout the history of the United States, especially since the foundation of the American Peace Society in 1828. This first resolution also included the recommendation that certain well-known international law societies be invited to assist such an international conference, the conference to be named "Conference for the Advancement of International Law." It was also recommended that the conference be followed by future successive conferences at stated intervals to continue the work left unfinished. The second resolution, recommended to the Council of the Assembly of the League of Nations for examination, grew out of a proposal by the President of the Committee of Jurists, Baron Deschamps, of Belgium. The proposal was, in brief, the establishment of a criminal court of international justice competent to try crimes against international public order. This proposal was not American in its origin; but there is nothing in it particularly inconsistent with American international policy. The third resolution, in the form of a recommendation, was the expression of the hope that the Academy of International Law, founded at The Hague in 1913, might enter upon its activity alongside of the Permanent Court of International Justice. That proposal was made by Americans and backed by American money. That the situation may be perfectly clear, let the facts be summarized. The Committee of Jurists meeting at The Hague recommended: First, the establishment of an International Court of Justice; second, that this International Court of Justice should have compulsory jurisdiction in five specified particulars; third, that there should be regular international conferences of all civilized nations, with quasi-legislative powers; fourth, that the League of Nations consider the advisability of establishing a criminal court of international justice; fifth, that the Academy of International Law be re-established. Here we have substantially the whole of American international policy as far as it relates to any international organization. The League of Nations has accepted but one of these five proposals, namely, the first; that it adopted that one is to its credit; that it refused the others is, we believe, unfortunate, for we fear that it will mean the final break between the United States and the Paris League of Nations.

It will be difficult for many Americans to understand why the League should refuse to accept, at least in the main, these reasonable recommendations of the Committee of Jurists; but the explanation is comparatively simple. The "Big States" are unwilling to obligate themselves to submit even a limited number of their justiciable questions to the test of the rule of right. That accounts for the refusal to grant to the court a compulsory jurisdiction. Certain members of the League, notably Sir Robert Cecil and Mr. Arthur J. Balfour, have been able to conceive of no international organization except in the terms of the Holy Alliance. Their whole conception of any successful international organization is an organization of the few powerful for the coercion of the many small. Hence they propose to confine any international organization to the Council of nine nations dominated by five. That is the kind of a legislative body they believe in. For these Tories no other is conceivable, hence they are opposed to any periodic conferences of all the nations as proposed by the Committee of Jurists. All this simply means the prolonged postponement of any effective society of all the nations in the interest of a constructive peace, for the United States will not become a party to any world organization such as is carried in the minds of the Alexander I's recently convened at Geneva.

THE SINISTER FACT OF GENEVA

THE MOST glaring illustration of the insincerity hovering over the League of Nations was the unblushing refusal of the "Big Powers," dominating the Council, to approve an international court of justice with full power to decide certain issues between States in accordance with the rules of right. The sinister aspect of this insincerity lies in the fact that the same nations who willingly agreed at Versailles to employ economic pressure and "effective military, naval, or air force" against a recalcitrant State were at Geneva afraid to agree to the establishment of an international court of justice based simply upon the rules of law backed by the power of public opinion. The meaning of this is perfectly clear. When the nations glibly agreed in Paris to pool their armed strength, they were thinking only of coercing the other fellow. They have never contemplated themselves, directly or indirectly, as being coerced by force of arms or otherwise. A perfectly natural attitude of mind. If one of the irreconcilables of the United

States Senate had called for a vote upon the question whether or not the members of the Senate would agree to establish an international organization to be made up of members, the majority of whom would be citizens of countries foreign to the United States, and to give to such a group of foreigners the power to attack by force of arms the United States, and that with the consent of the United States, the nature of the vote might have been forecasted with a measure of certainty. On that issue practically every American would have voted "No."

When confronted with the prospect of a high court of nations with the power to hear and determine specified cases of a legal nature; when faced with a situation where a State can summon another State to appear to litigate a judicial question, the States, large and small, obliging themselves thus to submit such cases, granting to the court unlimited power to decide such questions according to the rules of right; thus faced, the distinguished representatives of the great powers, self-styled friends of international peace, have balked. We may call some of these gentlemen by name, for their words have been printed. There is Sir Robert Cecil, of Great Britain; M. Léon Bourgeois, of France; Mr. Adatci, of Japan; Mr. Ricci-Busatti, of Italy. These gentlemen obeyed orders from home. The dominating governments of the world have made no advance over 1907. They are for a court so long as they are not obliged to submit cases to it. These gentlemen have served notice to this effect upon the rest of the world. The "Big Powers" still reserve the right to decide what of their cases shall be submitted to a court of justice for decision. They have said in substance, "Such a court, operating in such a way, backed up by public opinion, might decide against us. That is too serious a matter. We are opposed to a court with such jurisdiction." Thus here we have the whole fallacy of the so-called League of Nations in a nutshell. The test of sincerity in all attempts to set up a workable society of nations consists in the acceptance of international law based upon the inherent rights and duties of sovereign States. Nations sincerely interested in a genuine peace would never have proposed, in the first place, the league to enforce peace provided for in the Paris Treaty. Rather, they would have fixed their attention from the outset upon those well-known and established methods of establishing justice according to the rules of law. They would have concentrated upon the creation of an international tribunal to which any responsible State might appeal for the redress of alleged wrongs. David Jayne Hill is right; the overthrow of the war system depends primarily upon the creation for States of a means of redress without resort to arms. The men who proposed the impossible scheme of an alliance of the strong for the coercion of the weak by force of arms were insincere, or ignorant, or both. The men who have opposed an international court of justice backed by the power of right may be sincere; they certainly think they are "taking care of number 1." The folly of it all, the tragedy! for their action casts a sinister hue over the whole proceedings at Geneva.

RATIFYING AN EXPURGATED TREATY

SENATOR KING, of Utah, introduced in the Senate, January 5, Senate Resolution 419, which resolution was referred to the Committee on Foreign Relations. The resolution reads:

"*Resolved*, That it is the sense of the Senate that the treaty concluded at Versailles on the 28th day of June, 1919, be ratified, excepting the articles 1 to 26, inclusive, constituting Part 1, and articles 387 to 427, inclusive, constituting Part XIII of said treaty, and that the aforesaid exceptions be expressly included in the act of ratification."

It is difficult to see how this resolution can be made effective. Let us recall the relevant facts. It is true that the Congress of the United States declared, April 6, 1917, that a state of war existed between the United States and Germany. It is true that certain articles of armistice were entered into under date of November 11, 1918. Articles of peace were signed at Versailles June 28, 1919. Germany signed and ratified those articles of peace and is therefore bound to observe the terms of that treaty, including those portions which inure to the benefit of the government of the people of the United States. The United States, however, not having ratified the treaty, cannot obtain the benefits provided for in the treaty. Complicating the situation still more is the fact that Part I of the treaty, which was signed by Germany, has resulted in a League of Nations to which Germany is not a party. It is true that certain States, maintaining their neutrality between the United States and Germany during he war, are now members of the League of Nations without becoming otherwise parties to the Treaty of Versailles. If we were to grant that it is not necessary for the United States to acceed to the Covenant of the League of Nations, in order to establish a legal peace between the United States and Germany, there remains the fact that throughout various parts of the Treaty of Versailles we find the League of Nations indispensable to the carrying out of many of the treaty's provisions. It is not possible for the Senate and the Executive to agree upon revisions or amendments to the articles constituting the League of Nations. The only way that the League of Nations can be revised is upon the initiative of the League of Nations itself. Whether the League of Nations will change itself sufficiently to be acceptable to the United States remains to be seen.